

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARIE ENCAR ARNOLD,

Plaintiff,

v.

NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION,

Defendant.

No. 1:20-cv-01372-NONE-BAM

ORDER REQUIRING PLAINTIFF TO FILE  
REVISED LONG FORM IN FORMA  
PAUPERIS APPLICATION

**THIRTY-DAY DEADLINE**

Plaintiff Marie Encar Arnold ("Plaintiff"), proceeding pro se in this civil matter, initiated this action on September 28, 2020. (Doc. 1).

On November 10, 2020, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's applications to proceed without prepayment of fees and costs be denied and that plaintiff be required to pay the \$400.00 filing fee in full to proceed with this action. (Doc. 7.) Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. Plaintiff filed objections on November 23, 2020. (Doc. 8.)

In her objections, plaintiff mentions that she was placed more than \$1,800 in debt when she moved into a new apartment in August 2020. (Doc. No. 8 at 2.) Plaintiff does not, however, explain whether or not she has paid off that debt or how much she pays toward that debt monthly.

1 Plaintiff also mentions in her objections that she was granted a fee waiver in an appeal she filed in  
2 the “Ninth District,” in a case entitled “*Arnold v. Metlife*.” (*Id.*) The court located a case by that  
3 name pending before the Ninth Circuit Court of Appeals and has examined the fee waiver  
4 application filed therein, which is judicially noticeable. (*See Appellant’s Amended NOA and*  
5 *motion to proceed In Forma Pauperis, Arnold v. Metlife*, No. 20-17121 (9th Cir. Mar. 23, 2020),  
6 Doc. No. 2; granted May 15, 2020, Doc. No. 9.) There appear to be notable differences between  
7 plaintiff’s motion filed in *Arnold v. Metlife* and her pending fee waiver application filed in this  
8 case. Most critically, in *Arnold v. Metlife*, plaintiff did not disclose that she receives \$946.00  
9 monthly in Social Security income related to her two daughters. That additional income arguably  
10 justifies a different result than reached by the Ninth Circuit in *Arnold v. Metlife*. However, in an  
11 abundance of caution, the court will allow plaintiff one last opportunity to present her full  
12 financial picture for the court’s consideration. Plaintiff is advised to take care to be as accurate  
13 and complete as possible with respect to all of her sources of income, all of her expenses, and all  
14 her outstanding debts.

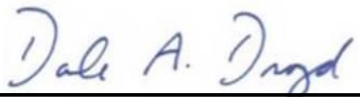
15 If plaintiff fails to return a revised long form application (AO 239) in accordance with the  
16 deadline set forth below, the court will rule on the pending findings and recommendations based  
17 on the present record.

18 For the reasons set forth above:

- 19 1. The Clerk of the Court is directed to forward a blank copy of the “Long Form” fee  
20 waiver application (AO 239) to plaintiff;
- 21 2. Within thirty (30) days of the date of this order, plaintiff shall either: (a) complete and  
22 file the Long Form application; or (b) pay the \$400 filing fee;
- 23 3. If plaintiff fails to comply with this order, the court will rule on the pending findings  
24 and recommendations based on the present record.

25 IT IS SO ORDERED.

26 Dated: **December 11, 2020**

27   
UNITED STATES DISTRICT JUDGE